

Applicant : Martin Blumenfeld, et al.
Serial No. : 09/434,027
Filed : November 4, 1999
Page : 14 of 14

Attorney's Docket No.: 09531-091001 / 99186

BEST AVAILABLE COPY BEST AVAILABLE COPY

REMARKS

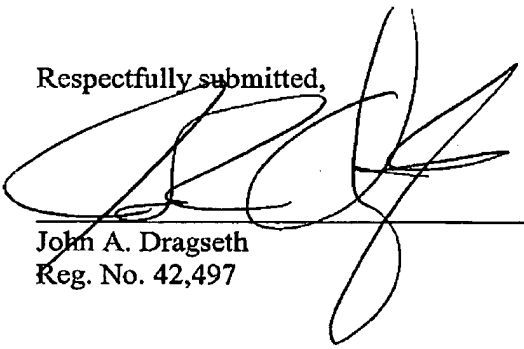
The Applicants thank the Examiner for his careful attention to this matter. Claims 1-37 and 39-97 were pending before the Office Action. Claims 39, 40, 52, 53, 66-77, and 88-97 are withdrawn. The Office Action rejected claims 78-87 and objected to claims 1-37 and 39-65 because those claims lacked clarifying antecedent before one recitation of the term "chip."

Applicants have cancelled claims 78-87 without prejudice to further prosecution, and have made the suggested amendments to the remaining independent claims. In particular, Applicants have made the reference to the "chip" to be a consistent reference to the "nucleic acid chip." In providing this antecedent, the Applicants have not substantively narrowed the claims. *See Bose Corp. v. JBL, Inc.*, 274 F.3d 1354 (Fed. Cir. 2001).

Also, regarding the Examiner's statement of reasons for indication of allowable subject matter, the Applicants point out that the claims recite a holder for a chip, but do not positively recite the chip itself. As a result, Applicants respectfully submit that they are entitled to coverage of devices that are configured to hold a nucleic acid chip (and equivalents), whether those devices are currently holding such a chip or not.

Enclosed is a Petition for Extension of Time. Please apply this fee (\$55) and any other charges or credits to deposit account 06-1050

Respectfully submitted,

Date: 1-27-04

John A. Dragseth
Reg. No. 42,497

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

60190381.doc